

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CARLOS LURON HARRIS, §
§
Petitioner, § CIVIL ACTION NO. C-10-93
VS. §
§
RICK THALER, §
§
Respondent. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

On July 21, 2010, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending as follows:

1. that petitioner's motion to set aside judgment of conviction, (D.E. 22), be denied without prejudice;
2. that respondent's motion for summary judgment, (D.E. 17), be granted and the petition, (D.E. 1), be dismissed without prejudice; and
3. that a certificate of appealability be denied.

Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's motion to set aside judgment of conviction is denied without prejudice, respondent's motion for summary judgment is granted, and the petition is dismissed without prejudice. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 2nd day of September, 2010.



Janis Graham Jack
United States District Judge